

99046018090000, 99046018090000

# Withdrawal/return of a disposition of property upon death from special official custody

Heruntergeladen am 02.07.2025

<https://fimportal.de/xzufi-services/109402169/L100041>

Modul	Sachverhalt
Leistungsschlüssel	99046018090000, 99046018090000
Leistungsbezeichnung I	Withdrawal/return of a disposition of property upon death from special official custody
Leistungsbezeichnung II	Withdrawal/return of a disposition of property upon death from special official custody
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Brandenburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (gold)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Rückgabe (090)

Modul	Sachverhalt
SDG-Informationsbereich	Erbansprüche und -pflichten in einem anderen Mitgliedstaat, einschließlich Steuervorschriften
Lagen Portalverbund	Urkunden und Bescheinigungen (1070200), Erbschaft, Nachlass und Testament (1190200)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	24.06.2024
Fachlich freigegeben durch	Federal Ministry of Justice (BMJ)
Handlungsgrundlage	<a href="https://www.gesetze-im-internet.de/bgb/_2256.html">https://www.gesetze-im-internet.de/bgb/_2256.html</a> <a href="https://www.gesetze-im-internet.de/famfg/">https://www.gesetze-im-internet.de/famfg/</a> <a href="https://www.gesetze-im-internet.de/beurkg/_34a.html">https://www.gesetze-im-internet.de/beurkg/_34a.html</a>
Teaser	Would you like to have your disposition of property upon death (e.g. will) or an inheritance contract held in the official custody of a notary returned? Then you can apply to the depositary to have it returned.
Volltext	<p>You can request the return of your will from special official custody at any time. You can also reclaim an inheritance contract containing dispositions upon death from the special official or notarial custody.</p> <p>The will may only be returned to you personally.</p> <p>A joint will may only be returned to both spouses or partners.</p> <p>An inheritance contract may only be returned to all parties to the contract jointly.</p> <p>Your notarized will or contract of inheritance is deemed revoked when you receive it back from the official depositary. A note to this effect will be made on the will or inheritance contract.</p> <ul style="list-style-type: none"> <li>• The return of a handwritten will does not have this effect; it is not considered revoked.</li> </ul>
Erforderliche Unterlagen	<ul style="list-style-type: none"> <li>• Identity card or passport with registration certificate</li> <li>• Certificate of deposit, if applicable</li> </ul>

## Modul

## Sachverhalt

### Voraussetzungen

- You are the testator.
- You have testamentary capacity. This means that You are at least 16 years old and legally competent.
- The will may only be returned to you personally.
- A joint will may only be returned to both spouses. This also applies to joint wills of registered civil partners.

An inheritance contract can only be returned to all parties to the contract jointly.

### Kosten

No costs are incurred.

Exception: A fee is charged for the withdrawal of an inheritance contract from notarial custody, the amount of which depends on the value of the assets that are the subject of the inheritance contract.

### Verfahrensablauf

If you wish to withdraw a disposition of property upon death from special official custody, we recommend that you proceed as follows:

Contact the probate court responsible for you and arrange an appointment.

If you have made a joint will, all testators must submit the application and accept the disposition of property upon death jointly. This also applies mutatis mutandis if you have concluded an inheritance contract. In this case, all parties to the contract must submit the application.

Bring your identity card and, if available, the certificate of deposit with you to the appointment.

When the disposition of property upon death is returned, the judicial officer may check your testamentary capacity. This is because, under certain circumstances, the withdrawal from official custody also acts as a revocation of the deposited disposition of property upon death.

The court will report the return to the Central Register of Wills.

Modul	Sachverhalt
Bearbeitungsdauer	The matter is normally settled at the first appointment.
Frist	There is no deadline.
weiterführende Informationen	<a href="https://www.bmj.de/DE/themen/gesellschaft_familie/erbrecht/erbrecht_node.html">https://www.bmj.de/DE/themen/gesellschaft_familie/erbrecht/erbrecht_node.html</a>
Hinweise	
Rechtsbehelf	<ul style="list-style-type: none"> <li>• If surrender to the testator is refused, the judicial officer shall decide by order.</li> <li>• The testator may lodge an appeal against the refusal for a limited period of time.</li> <li>• If a clerk was functionally responsible under state law instead of the judicial officer, a reminder must be lodged.</li> </ul>
Kurztext	<ul style="list-style-type: none"> <li>• Return of a will</li> <li>• A disposition of property upon death (e.g. a will or an inheritance contract) that is in special official custody at the local court will be returned to the testator at his or her request.</li> <li>• a joint public or personal will can only be revoked by both spouses or civil partners</li> <li>• in the case of an inheritance contract, all parties to the contract must request the withdrawal</li> <li>• the request can be made verbally or by post at any time, but the will can only be returned to the testator in person</li> <li>• an inheritance contract may also be held in the official custody of the notary recording it. In this case, the withdrawal must be requested from him</li> <li>• in the event of the testator's death, the will held in special official custody is not returned, but opened by the probate court A contract of inheritance held in official custody by a notary is handed over to the probate court by the notary.</li> <li>• If, on the other hand, a will is found by a third party after the death of the testator, this person must deliver it to the probate court</li> <li>• the probate court adds this will to the probate file, in this context it is referred to as (simple) official custody</li> <li>• responsible: Custodian (competent local court or certifying notary)</li> </ul>
Ansprechpunkt	

Modul	Sachverhalt
Zuständige Stelle	<p>The competent local court in accordance with § 344 FamFG is responsible.</p> <p><a href="https://olg.brandenburg.de/ogb/de/brandenburgisches-oberlandesgericht/">https://olg.brandenburg.de/ogb/de/brandenburgisches-oberlandesgericht/</a></p> <p><a href="https://olg.brandenburg.de/ogb/de/brandenburgisches-oberlandesgericht/">https://olg.brandenburg.de/ogb/de/brandenburgisches-oberlandesgericht/</a></p>
Formulare	<p>Forms required: No</p> <p>Online procedure possible: No</p> <p>Written form necessary: No</p> <p>Personal appearance required: Yes. You can be represented when submitting the application or submit the application in writing. However, the return of the disposition of property upon death can only be made to you personally.</p>
Ursprungsportal	<p>Withdrawal/return of a disposition of property upon death from special official custody,</p> <p>Rücknahme/Rückgabe einer Verfügung von Todes wegen aus der besonderen amtlichen Verwahrung</p>